THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.26449 of 2006

20-12-2006

Between:-

Samudrala Satyanarayana

Petitioner

And

The Commissioner,
Endowments Department,
A.P., Hyderabad and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.26449 of 2006

Oral order:

The writ petition as framed is misconceived. Pursuant to a notification issued by the second respondent on 17-08-2006 calling for applications for appointment of trustees to Sri Venugopala Swamy temple of Nemali village, Gampalagudem Mandal, Krishna district (for short 'the Temple'), the petitioner also submitted his application on 19-09-2006. The petitioner is a Paid Secretary of the Primary Agricultural Co-operative Society, Nemali. The third respondent appears to have submitted a verification report to the second respondent on 12-11-2006 regarding verification of the antecedents of the petitioner and other applicants, in all sixteen (16) persons. The first respondent forwarded the applications for

verification of antecedents for appointing the Board of Trustees of the Temple, to the third respondent. On the basis of the third respondent's verification report dated 04-11-2006, the second respondent sent up his views as to the eligibility, qualifications or otherwise of the applicants to the first respondent by a letter dated 12-11-2006.

The letter dated 12-11-2006 addressed by the second respondent to the first respondent is an inter-office communication, a copy of which is not marked to the petitioner. The petitioner appears to have somehow obtained this communication on account of local office leakages and on the basis of such irregularly obtained inter-office correspondence has filed this writ petition contending that he does not suffer any disqualification under Section 19 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No. 30 of 1987) (for short 'the Act') merely on account of his employment with the Primary Agricultural Co-operative Society, Nemali village.

On the aforesaid material the petitioner, apprehending that the first respondent would implicitly obey by the recommendations of the second respondent, seeks a declaration that the action of the respondent Nos. 1 and 2 in disqualifying him for trusteeship is illegal and for a direction to the respondents to consider his application for appointment as a trustee of the Temple.

The communication dated 12-11-2006 addressed by the second respondent to the first respondent is a mere recommendation. The second respondent has merely forwarded the third respondent's report dated 04-11-2006 which was drawn up (by the third respondent) pursuant to the directions of the first respondent calling for verification of antecedents of applicants for trusteeship. The first respondent is stated to be the competent authority for appointing trustees. The first respondent is also the administrative head of the Endowments Department. There is no warrant for assuming that the first respondent will act to the dictation of the second respondent. The first respondent, the competent authority, is bound to independently take a call on each of the applicants for trusteeship and consider whether each is qualified in accordance with the provisions of Section 19 of the Act. The petitioner can have a grievance only if he is not considered for appointment as a trustee to the Temple on an irrational or impermissible ground and that too only after the Board of Trustees is appointed.

On the aforesaid analysis, the writ petition is based on mere apprehensions drawn from inter-office communications between the second and first respondent and is also premature at this point of time. The writ petition is accordingly dismissed but with the observations above. No costs.

GODA RAGHURAM, J

Dated:20-12-2006
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